

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00124REL-01
MARCO A. IBARRA-TADEO,)	
)	
Defendant.)	

ORDER

Before the court is the government's motion to detain material witness Sandra Marina-Rivera pending trial, pursuant to the Bail Reform Act, 18 U.S.C. §3142 and 3144. On July 19, 2005, I held a detention hearing. The parties stipulated to the factual contents of the report of Pretrial Services Officer Susan Pinkerton. Based on the facts in that report, I find by the preponderance of the evidence that Ms. Marina-Rivera poses a serious risk of flight and that no condition or combination of conditions of release will reasonably assure her appearance in court as required. Specifically, I find that Ms. Marina-Rivera is an illegal alien whose presence in court as a material witness is unlikely to be secured by a subpoena.

It is therefore

ORDERED that Ms. Marina-Rivera be committed to the custody of the Attorney General or his authorized representative pending trial. It is further

ORDERED that Ms. Marina-Rivera be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. It is further

ORDERED that the Attorney General or his authorized representative ensure that Ms. Marina-Rivera is afforded reasonable opportunity for private consultation with her counsel. It is further

ORDERED that, on order of a court in the Western District of Missouri, the person in charge of the facility where defendant is confined deliver Ms. Marina-Rivera to a United States Marshal for her appearance in connection with a court proceeding.

/s/Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
July 19, 2005